

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FLORENCE WALLACE, et al.,

Plaintiffs,

v.

ROBERT J. POWELL, et al.,

Defendants.

CONSOLIDATED TO:

CIVIL ACTION NO. 3:09-cv-286

(JUDGE CAPUTO)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM CONWAY, et al.,

Plaintiffs,

v.

JUDGE MICHAEL T. CONAHAN, et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-0291

(JUDGE CAPUTO)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

H.T., et al.,

Plaintiffs,

v.

MARK A. CIAVARELLA, JR., et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-0357

(JUDGE CAPUTO)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMANTHA HUMANIK,

Plaintiff,

v.

MARK A. CIAVARELLA, JR., et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-0630

(JUDGE CAPUTO)

MEMORANDUM ORDER

Presently before the Court are two motions to stay the filing of answers until after the related criminal proceedings in this matter are completed: one by Defendant Mark Ciavarella, Jr. (Doc. 367), the other by Defendant Michael Conahan (Doc. 369).

In determining whether to grant a motion to stay, courts should consider: (1) the length of the requested stay; (2) the "hardship or inequity" that the movant would face in going forward with the litigation; (3) the injury that a stay would inflict upon the non-movant; (4) whether a stay will simplify issues and promote judicial economy.

Structural Group, Inc. v. Liberty Mutual Insurance Company, No. 07-cv-1793, 2008 U.S. Dist. LEXIS 82266, at *13 (M.D. Pa. Oct. 16, 2008) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936); *CTF Hotel Holdings, Inc. v. Marriott Int'l, Inc.*, 381 F.3d 131, 135-36 (3d Cir. 2004) (citing *Landis*)).

The first factor here weighs against granting the stay, as the delay until the criminal proceedings end would be indefinite. The second factor also weighs against granting the stay, as the Defendants would not be placed into hardship by filing their answers. Indeed, as Plaintiffs point out, they have already invoked their Fifth Amendment rights numerous

times in response to discovery requests in this case, and the Defendants may do so again in completing their Answers if necessary. The third factor weighs against granting a stay, as any delay in the pleadings stage of this litigation could further delay the overall litigation to the detriment of the Plaintiffs. Finally, the fourth factor weighs against granting the stay, because judicial economy will not be promoted by delay. Regardless of the factual similarities between the criminal and civil proceedings, the differences in the requisite standards of each will mean that the civil proceedings will likely continue regardless of the outcome in the criminal proceedings. Because all four of these factors weigh against granting a stay, the Defendants' motions are denied.

NOW, this 12th day of January, 2010, **IT IS HEREBY ORDERED** that Defendant Mark Ciavarella, Jr.'s Motion to Stay Filing of Answers (Doc. 367) and Defendant Michael Conahan's Motion to Stay Filing of Answers (Doc. 369) are **DENIED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge